

Senate Resolution No. 55

Introduced by Senators Jackson, Leno, and Monning

Relative to reproductive health

WHEREAS, The federal Centers for Disease Control and Prevention (CDC) maintains that family planning is one of the 10 great public health achievements of the 20th century; and

WHEREAS, The United States Supreme Court has previously recognized in *Planned Parenthood of Southeastern Pennsylvania v. Casey* (1992) 505 U.S. 833, 856, that “[t]he ability of women to participate equally in the economic and social life of the Nation has been facilitated by their ability to control their reproductive lives”; and

WHEREAS, The United States Congress required health plans to cover all Food and Drug Administration-approved methods of contraception for women with no out-of-pocket costs as part of the federal Patient Protection and Affordable Care Act (ACA), and nearly 30 million women across the United States have already benefited from that provision; and

WHEREAS, In *Burwell v. Hobby Lobby Stores, Inc.* (2014) 573 U.S. ___, the Supreme Court concluded that closely-held corporations cannot be required to provide contraceptive coverage if the corporations’ owners have religious objections to the contraception; and

WHEREAS, Women generally have less disposable income to spend on health care services because of the gender pay gap, the impact of the decision in *Burwell v. Hobby Lobby Stores, Inc.* will place additional financial burdens on women already facing the inequity of wage discrimination; and

WHEREAS, Nearly two-thirds of minimum wage workers are women, the impact of the decision in *Burwell v. Hobby Lobby Stores, Inc.* is expected to fall more heavily on low-income women whose access to health care is frequently limited; and

WHEREAS, As noted in Justice Ginsburg’s dissent, the cost of an intrauterine device (IUD) “is nearly equivalent to a month’s full-time pay for workers earning the minimum wage”; and

WHEREAS, The lack of access to contraception leads to an increase in unintended pregnancies; and

WHEREAS, According to the CDC's National Center for Health Statistics, more than 99 percent of women use birth control at some point in their lives, and approximately 62 percent of all women of reproductive age are currently using a contraceptive method; and

WHEREAS, Contraceptive services can serve as a gateway for women to enter the health care system and obtain preventive medical care; and

WHEREAS, "The exemption sought by Hobby Lobby . . . would deny legions of women who do not hold their employers' beliefs access to contraceptive coverage that the ACA would otherwise secure," as noted in Justice Ginsburg's dissent; and

WHEREAS, Any decisions to use contraceptives should be made by a woman in consultation with her health care providers and not her employer; and

WHEREAS, According to the Guttmacher Institute, State Legislatures of the United States introduced over 1,100 anti-choice, anti-women legislative proposals in 2011, designed to place restrictions on women's health care and erode protections for women and their families, including restricting access to contraception, imposing invasive procedures to impede a woman's choice, and allowing for-profit companies to prohibit choice; and

WHEREAS, It is the goal of some to deprive women of their reproductive rights by using the argument of religious freedom and ignoring women's health, which results in the disparate treatment of women and undermines individual choice; and

WHEREAS, There appears to be an organized strategy to upend long-standing policy in the areas of contraceptive rights and health care rights for women; and

WHEREAS, California has always prioritized women's health care, including passing the groundbreaking Women's Contraception Equity Act in 1999, which requires employer-based health plans that cover a variety of prescription drugs to also cover a variety of prescription contraceptive methods; and

WHEREAS, There is concern that corporations may attempt to misuse the precedent set by *Burwell v. Hobby Lobby Stores, Inc.* to unduly restrict women's health care options or seek religious exemptions from other generally applicable laws; now, therefore, be it

Resolved by the Senate of the State of California, That the Senate of the State of California recognizes the critical importance of a continued commitment to reproductive health care and access; and be it further

Resolved, That the Senate of the State of California urges the United States Congress to pass and the President of the United States to sign Senate Bill 2578, commonly referred to as the Not My Boss's Business Act, which would prevent employers from denying coverage of contraceptives regardless of their religious views; and be it further

Resolved, That the Senate of the State of California reaffirms its support of the decision of *Roe v. Wade* (1973) 410 U.S. 113, which acknowledges that reproductive choice is a fundamental right that belongs to all women; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution.

Senate Resolution No. 55 read and adopted by the Senate August 20, 2014.

Attest: _____
Secretary of the Senate